

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2006 JUL 20 P 2: 55

ROBERT BLANKENSHIP,

Plaintiff,

vs.

PFIZER, INC.; BOEHRINGER  
INGELHEIM PHARMACEUTICALS, INC.;  
DAVID ROHLING; KMART OF  
MICHIGAN, INC.; ART REDDING;  
KELLI STRANGE, et al.

Defendants.

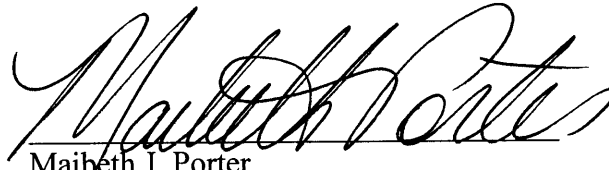
CIVIL ACTION NO.

2:06 cv 648 -

CLARA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**NOTICE OF FILING AFFIDAVITS**

COMES NOW Boehringer Ingelheim Pharmaceuticals, Inc. and files the affidavits of  
David Rohling, Kelli Strange and Arthur Redding attached hereto.



Maibeth J. Porter  
Alvin L. ("Peck") Fox  
Edward A. ("Ted") Hosp

Attorneys for Defendant Boehringer Ingelheim  
Pharmaceuticals, Inc.

OF COUNSEL:

MAYNARD, COOPER & GALE  
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Jennifer Ewers Hurley, Esq.  
SILLS CUMMIS EPSTEIN & GROSS P.C.  
One Riverfront Plaza  
Newark, NJ 07102

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following counsel of record to this proceeding by United States Mail, properly addressed and postage prepaid, or as indicated below, this 20th day of July, 2006:

F.M. "Tripp" Haston, III  
Andrew B. Johnson  
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P. O. Box 688  
Clayton, AL 36016-0688

  
OF COUNSEL

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBERT BLANKENSHIP,**

**Plaintiff,**

**V.**

**PFIZER, INC., BOEHRINGER  
INGELHEIM PHARMACEUTICALS,  
INC., DAVID ROHLING, KMART OF  
MICHIGAN, INC., ART REDDING,  
KELLI STRANGE, et al.**

**Defendants.**

**CIVIL ACTION NO.**

2:06 cv 644-

**AFFIDAVIT OF DAVID ROHLING**

STATE OF ALABAMA )

COUNTY OF LEE )

Before me, a notary public in and for said County and State, personally appeared David Rohling, who being by me duly sworn, deposes on oath and says:

1. My name is David Rohling. I am over the age of twenty-one years and make this affidavit based upon my personal knowledge.
2. I am currently an employee of Boehringer Ingelheim Pharmaceuticals, Inc. ("BIPI").
3. I have been employed with BIPI as a Sales Representative since February 1999. I have never been employed by Pfizer, Inc. or Kmart of Michigan, Inc.
4. At no time did I ever provide Mirapex or information regarding Mirapex directly to Robert Blankenship. Further, I have never spoken with or met Robert Blankenship.

5. I am not a physician and, therefore, have never prescribed Mirapex. I am also not a pharmacist and, therefore, have never filled a Mirapex prescription.

6. At no time did I have involvement with the manufacture, development or testing of Mirapex.

7. My knowledge about Mirapex, and the information that I used in the course of my employment, was provided to me by my employer, BIPI. I had no knowledge of any alleged association between Mirapex and compulsive gambling until informed by my employer BIPI, as part of its sales force communications.

8. BIPI provided me with FDA-approved prescribing information, package inserts and the other information I used in speaking with physicians regarding Mirapex and Parkinson's disease.

9. I had no involvement in the development or preparation of the prescribing information or package inserts for Mirapex, and did not have control over the content of this prescribing information, including the written warnings, or other information provided to me concerning Mirapex.

10. As a Sales Representative, I was not expected to conduct independent research regarding drugs I detailed and I did not do so.

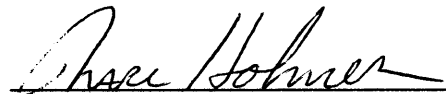
11. I made no misrepresentations concerning the safety or efficacy of Mirapex and acted in good faith at all times in my dealings with physicians who may have prescribed Mirapex.

12. It is my understanding that Mr. Blankenship was prescribed Mirapex by Alan David Prince, M.D., of Dothan, Alabama. I detailed Dr. Prince on Mirapex from approximately September 2003 through December 2004. I never left any samples of Mirapex with Dr. Prince. I made no misrepresentations to Dr. Prince concerning the safety or efficacy of Mirapex and acted in good faith at all times in my dealings with Dr. Prince.

Dated this 19 day of July, 2006.

  
\_\_\_\_\_  
DAVID ROHLING

Sworn to and subscribed before  
me this 19 day of July, 2006

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 2/26/08

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBERT BLANKENSHIP,**

**Plaintiff,**

**V.**

**PFIZER, INC.; BOEHRINGER INGELHEIM  
PHARMACEUTICALS, INC.; DAVID  
ROHLING; KMART OF MICHIGAN, INC.;  
ART REDDING; KELLI STRANGE; et al.,**

**Defendants.**

**Civil Action No.**

206CV648-

## **AFFIDAVIT OF KELLI STRANGE**

STATE OF ALABAMA )

COUNTY OF HOUSTON )

Before me, a notary public in and for said County and State, personally appeared Kelli Strange, who being by me duly sworn, deposes on oath and says:

1. My name is Kelli Strange. I am over the age of twenty-one years and make this affidavit based upon my personal knowledge.
2. I am a licensed pharmacist in the State of Alabama employed by Kmart of Michigan, Inc. ("Kmart Pharmacy") in Dothan, Alabama.
3. To the extent that I dispensed Mirapex to any of Kmart Pharmacy's customers, I merely dispensed the drug to its customers strictly in accordance with the prescriptions of their doctors.
4. I did not design, manufacture, test or develop Mirapex. I did not compound or alter the Mirapex in any way.
5. I made no representations concerning Mirapex. I did not suppress any information concerning Mirapex.
6. I did not have any knowledge of any alleged defective condition with respect to the Mirapex, and certainly did not contribute to any alleged defective condition.
7. Upon information and belief, Kmart Pharmacy did not design, manufacture, test or develop Mirapex. Upon information and belief, Kmart Pharmacy is in the business of distributing finished

products and purchased this drug from the manufacturer and/or a distributor, which, in turn, purchased it from the manufacturer.

Kelli Strange  
Kelli Strange

STATE OF ALABAMA     )  
                                      )  
HOUSTON COUNTY     )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Kelli Strange, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 18<sup>th</sup> day of July, 2006.

Linda Carol Scott  
Notary Public

SEAL

My commission expires: 5-4-08

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
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ROBERT BLANKENSHIP,

Plaintiff,

v.

PFIZER, INC.; BOEHRINGER INGELHEIM  
PHARMACEUTICALS, INC.; DAVID  
ROHLING; KMART OF MICHIGAN, INC.;  
ART REDDING; KELLI STRANGE; et al.,

Defendants.

Civil Action No.

2:06cv648 -

AFFIDAVIT OF ARTHUR REDDING

STATE OF ALABAMA )

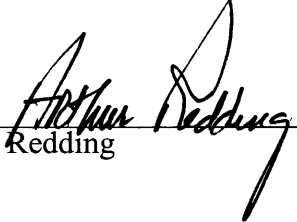
COUNTY OF HOUSTON )

Before me, a notary public in and for said County and State, personally appeared Arthur Redding, who being by me duly sworn, deposes on oath and says:

1. My name is Arthur Redding. I am over the age of twenty-one years and make this affidavit based upon my personal knowledge.
2. I am a citizen and resident of the State of Georgia. I have been a citizen and resident of the State of Georgia for the last 54 years.
3. I am a licensed pharmacist in the State of Alabama employed by Kmart of Michigan, Inc. ("Kmart Pharmacy") in Dothan, Alabama.
4. To the extent that I dispensed Mirapex to any of Kmart Pharmacy's customers, I merely dispensed the drug to its customers strictly in accordance with the prescriptions of their doctors.
5. I did not design, manufacture, test or develop Mirapex. I did not compound or alter the Mirapex in any way.
6. I made no representations concerning Mirapex. I did not suppress any information concerning Mirapex.
7. I did not have any knowledge of any alleged defective condition with respect to the Mirapex, and certainly did not contribute to any alleged defective condition.



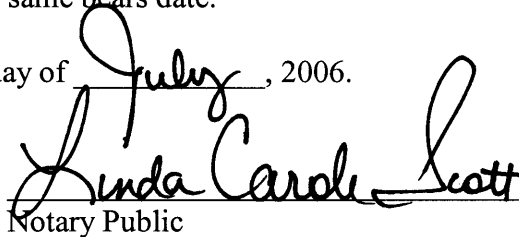
8. Upon information and belief, Kmart Pharmacy did not design, manufacture, test or develop Mirapex. Upon information and belief, Kmart Pharmacy is in the business of distributing finished products and purchased this drug from the manufacturer and/or a distributor, which, in turn, purchased it from the manufacturer.

  
\_\_\_\_\_  
Arthur Redding

STATE OF ALABAMA     )  
                                      )  
HOUSTON COUNTY     )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Arthur Redding, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 18<sup>th</sup> day of July, 2006.

  
\_\_\_\_\_  
Notary Public

SEAL

My commission expires: 5-4-08